

## Human Resources Professionals Association Issues White Paper on Marijuana at Work

*Laurie Jessome*

**August 16, 2017**

With legalization of recreational marijuana use on its way, many Canadian employers have been looking for guidance on how to respond to a potential increase in the number of employees who have access to or make use of cannabis products. The Human Resources Professionals Association (HRPA) has recently issued a white paper identifying some of the issues employers may face once the *Cannabis Act* comes into effect and making some recommendations for both employers and government. In connection with preparing this white paper, the HRPA conducted a survey of its members and found that only 11% of responding human resources professionals believed that their workplace policies addressed the use of medical marijuana in the workplace at all and 46% believed their workplace policies did not adequately cover issues that may arise as a result of legalization of recreational marijuana. Close to 90% of respondents had no personal experience with accommodating an employee who used medical marijuana.

The top concerns identified by HRPA members were as follows: employees operating motor vehicles, impact on disciplinary procedures, decreased work performance, employees using heavy machinery and impact on attendance. The most pressing issues raised were related to safety and how to determine level of impairment. Unlike alcohol, there is no current consensus on safe limits for consuming cannabis as the impact of such consumption can vary widely depending the frequency of use and the THC content of the product in question. The white paper goes on to make ten recommendations that the HRPA believes will help employers and employees ensure that they create a safe and productive workplace. Some of the most notable recommendations are that government set a clear legal definition of “impairment” and provide guidance on the circumstances under which an employee can be tested in relation to cannabis use, and that government create two regulatory streams for legalized marijuana, one for recreational use and one for medical use. The HRPA’s view is that having a two stream approach to regulation of cannabis products will allow employers to appropriately distinguish between employees whose marijuana use must be accommodated because it is medically necessary and those who are using purely for recreational purposes.

The safety concerns identified by the HRPA are very real and the paper is quite right to highlight some of the uncertainties around measuring impairment and distinguishing between medically supervised use and personal choice. That said, alcohol and prescription drugs present similar challenges for Canadian employers and most have developed practices and policies that both address potential safety concerns and ensure that employees with addiction issues are properly supported and accommodated. The legalization of marijuana in Canada may simply be a new variation on a very old problem.

# Cassels

A link to the white paper, which is entitled “Clearing the Haze: The Impacts of Marijuana in the Workplace” can be found here.

---

*This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.*